

## Staff Report

HEARING DATE: September 11, 2013

TO: Planning Commission

FROM: Jana Fox, Associate Planner

PROPOSAL: **Murray Highland Residential Care Facility  
CU2013-0001 / DR2013-0008 / TP2013-0006**

LOCATION: Map 1S116BC, Tax Lot 1200

SUMMARY: The applicant proposes to construct and operate a 22 bed Residential Care Facility in the R2 (Urban Medium Density) zoning district. A Residential Care Facility is a Conditional Use in the R2 zoning district. Design Review Three approval is sought for the design of the site and building. Tree Plan Two approval is requested for removal of all of the Community Trees from the site.

APPLICANT  
REPRESENTATIVE: PR Design & Consulting  
Attn: Peter Radulescu  
825 NE 20<sup>th</sup> Ave, Suite 202  
Portland, OR 97232

PROPERTY  
OWNERS: Sylvia & John Crisan  
11320 SW Clifford St  
Beaverton, OR 97008

RECOMMENDATIONS: **DENIAL of CU2013-0001 / DR2013-0008 / TP2013-0006 (Murray Highland Residential Care Facility).**

## BACKGROUND FACTS

### Key Application Dates

Application	Submittal Date	Applicant Deemed Themselves Complete	Final Written Decision Date	240-Day*
CU2013-0001	January 24, 2013	July 22, 2013	November 19, 2013	March 19, 2014
DR2013-0008	January 24, 2013	July 22, 2013	November 19, 2013	March 19, 2014
TP2013-0006	January 24, 2013	July 22, 2013	November 19, 2013	March 19, 2014

\* Pursuant to Section 50.25.9 of the Development Code this is the latest date, with a continuance, by which a final written decision on the proposal can be made.

### Existing Conditions Table

<b>Zoning</b>	Residential Urban Medium Density R2	
<b>Current Development</b>	The site is currently vacant.	
<b>Site Size &amp; Location</b>	The subject site is located on the east side of SW Murray Boulevard, south of Farmington Road. The total site area is approximately 0.73 acres.	
<b>NAC</b>	Central Beaverton	
<b>Comprehensive Plan</b>	<p><b>Land Use:</b> Neighborhood Residential – Medium Density</p> <p><b>Street Functional Classification Plan:</b> SW Murray Boulevard is classified as an Arterial.</p> <p><b>Street Improvement Master Plan:</b> The Transportation System Plan Street Improvement Master Plan identifies improvements to SW Farmington Road from Murray Boulevard to Hocken Avenue. Access management and interconnected traffic signals along SW Murray Boulevard. Double left turn lanes on all approaches to Murray &amp; Farmington intersection.</p> <p><b>Pedestrian &amp; Bicycle Master Plan and Action Plans:</b> The Pedestrian Action Plan identifies existing sidewalk facilities and bus stops along SW Murray Boulevard. The Bicycle Action Plan identifies existing bicycle lanes along SW Murray Boulevard.</p>	
<b>Surrounding Uses</b>	<p><b>Zoning:</b></p> <p><u>North:</u> R2</p> <p><u>South:</u> R2</p> <p><u>East:</u> R2</p> <p><u>West:</u> R2</p>	<p><b>Uses:</b></p> <p><u>North:</u> Single-family dwelling</p> <p><u>South:</u> Single-family dwelling</p> <p><u>East:</u> Town Houses</p> <p><u>West:</u> Multi-Family dwellings</p>

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### **Exhibits**

#### **Exhibit 1. Materials submitted by Staff**

- Exhibit 1.1 Vicinity Map (page SR-4 of this report)
- Exhibit 1.2 Aerial Map (page SR-5 of this report)
- Exhibit 1.3 Comments and Conditions from Washington County, dated October 24, 2012

#### **Exhibit 2. Public Comment**

None Received

#### **Exhibit 3. Materials submitted by the Applicant**

- Exhibit 3.1 Submittal Package including plans dated August 26, 2013



**Murray Highland Residential Care Facility  
Zoning Map**



**Murray Highland Residential Care Facility**

**Aerial Photograph**

**FACILITIES REVIEW COMMITTEE  
TECHNICAL REVIEW AND RECOMMENDATIONS  
Murray Highland Residential Care Facility  
CU2013-0001 / DR2013-00808 / TP2013-0006**

**Section 40.03 Facilities Review Committee:**

The Facilities Review Committee has conducted a technical review of the application, in accordance with the criteria contained in Section 40.03 of the Development Code. The Committee's findings and recommended conditions of approval are provided to the decision-making authority. As they will appear in the Staff Report, the Facilities Review conditions may be re-numbered and placed in different order.

The decision-making authority will determine whether the application as presented meets the Facilities Review approval criteria for the subject application and may choose to adopt, not adopt, or modify the Committee's findings, below.

**The Facilities Review Committee Criteria for Approval will be reviewed for all criteria that are applicable to the submitted applications as identified below:**

- **All twelve (12) criteria are applicable to the submitted Conditional Use and Design Review applications as submitted.**
- **Facilities Review criteria do not apply to the Tree Plan Two application.**

***A. All critical facilities and services related to the development have, or can be improved to have, adequate capacity to serve the proposal at the time of its completion.***

Chapter 90 of the Development Code defines "critical facilities" to be services that include public water, public sanitary sewer, storm water drainage and retention, transportation, and fire protection.

In response to Facilities Review Criterion A the applicant states that the proposed facility will provide care for 22 clients and is designed for physically handicapped people who require supervised attention.

The City is the water, sanitary sewer and storm drainage service provider for the site. The applicant has submitted a Sensitive Area Pre-Screening Site Assessment Letter from Clean Water Services (CWS) showing that no sensitive areas exist within 200 feet of the project site. Therefore, no Service Provider Letter from CWS is required.

The applicant has submitted storm water calculations for the proposed stormwater planters. The applicant has provided a revised site plan and stormwater planter details which show no encroachment upon adjacent properties, the committee recommends a condition of approval that the applicant provide a full detailed drainage analysis for the subject site prepared by a professional engineer and meeting the standards set by the City Engineer in order to ensure that the proposed stormwater planters are adequate to serve the stormwater needs of the site. Should the revised stormwater planters not provide sufficient storm water capacity, additional measures will be required at the time of Site Development Permit.

The Committee finds that adequate water and wastewater capacity exist to serve the site.

The application included a Traffic Analysis Report dated May, 2013, which was prepared by Charbonneau Engineering. The primary findings of the analysis show that the TIA thresholds are

not exceeded. The Beaverton Development Code requires the submittal of a Traffic Impact Analysis when a proposed use generates more than 200 vehicle trips per day on average. The Traffic Analysis Report shows that the proposed will generate less than 200 vehicle trips per day.

Because the TIA thresholds are not exceeded it is presumed that the daily traffic generated by the use will have a nominal impact on the existing transportation system and that the transportation system will have adequate capacity to serve the proposal. Murray Boulevard is under the jurisdiction of Washington County. Washington County concurs with staff's findings as indicated in Washington County staff correspondence dated August 13, 2013. Washington County has provided conditions of approval for access to SW Murray Boulevard for the subject site which must be met as a condition of approval.

Fire protection will be provided to the site by Tualatin Valley Fire and Rescue Department (TVF&R). Comments and conditions of approval have been received from TVF&R and are included herein. Staff also cites the findings prepared in response to Criterion H hereto regarding fire prevention.

The Committee finds that the development will provide required critical facilities, except stormwater. As the applicant has not shown that adequate stormwater capacity existing to serve the site the Committee finds that the proposal does not meet the criterion for approval at this time.

**FINDING: Therefore, the Committee finds, that by meeting the conditions of approval, the proposal meets the criterion for approval.**

***B. Essential facilities and services are available, or can be made available, with adequate capacity to serve the development prior to occupancy. In lieu of providing essential facilities and services, a specific plan may be approved if it adequately demonstrates that essential facilities, services, or both will be provided to serve the proposed development within five years of occupancy.***

Chapter 90 of the Development Code defines "essential facilities" to be services that include schools, transit improvements, police protection, and pedestrian and bicycle facilities in the public right-of-way. The applicant's plans and materials were forwarded to the City Police Department, City and County Transportation staff, and TVF&R. The Police Department will serve the site and were provided an opportunity to comment on the proposal. No comments or recommendations were provided to the Facilities Review Committee. The Beaverton School District did not receive this proposal as it does not involve residential housing units.

Tri-Met will serve the development site. The site is most directly served by bus line 62 on SW Murray Boulevard. The closest stop is located to the north of the subject site near SW Farmington Road. Bicycle lanes are currently provided along both sides of SW Murray Boulevard. Public sidewalks are provided on SW Murray Boulevard fronting the site. The applicant provides plans showing a right-of-way dedication of 49 feet from centerline of SW Murray Boulevard to comply with Washington County requirements. City and County Transportation staff have reviewed this proposal and determined that no traffic mitigation is necessary to address the proposed site changes. Street improvements required by Washington County are included as conditions of approval.

The Committee has reviewed the proposal and has found that the essential facilities and services to serve the site are adequate to accommodate the proposal as conditioned.

**FINDING: Therefore, the Committee finds that by meeting the conditions of approval, the proposal meets the criterion.**



***C. The proposal is consistent with all applicable provisions of Chapter 20 (Land Uses) unless the applicable provisions are modified by means of one or more applications which shall be already approved or which shall be considered concurrently with the subject proposal.***

Staff cites the Code Conformance Analysis chart at the end of this report, which evaluates the project as it relates the applicable Code requirements of Chapter 20 for the R2 zone as applicable to the aforementioned criterion. As demonstrated on the chart, the development proposal meets the site development standards. Staff will provide findings for the Conditional Use approval criteria within the Conditional Use section of the staff report.

**FINDING: Therefore, the Committee finds that by meeting the conditions of approval, the proposal meets the criterion.**

***D. The proposed development is consistent with all applicable provisions of Chapter 60 (Special Regulations) and all improvements, dedications, or both, as required by the applicable provisions of Chapter 60 (Special Regulations), are provided or can be provided in rough proportion to the identified impact(s) of the proposal.***

The Committee cites the Code Conformance Analysis chart at the end of this report, which evaluates the proposal as it relates the applicable Code requirements of Chapter 60, in response to the above mentioned criteria. Staff will provide findings for the applicable Design Review Guidelines within the Design Review section of the staff report.

The proposal includes the minimum number of motor vehicle spaces required for Residential Care Facilities (1 space per 2 beds) and the minimum number of bicycle spaces required (1 short term space per 100 beds and 1 long-term space per 50 beds). A total of 11 vehicle parking spaces and 6 bicycle parking spaces are provided. Staff notes that the maximum number of vehicle spaces is also set at one space per two beds. The bicycle parking spaces are currently shown on the west side of the building near the entrance.

The proposal includes adequate existing bicycle and street connections. The proposal shows a pedestrian connection from the Murray Boulevard right of way to the primary building entrance.

Murray Boulevard is under the jurisdiction of Washington County. The existing frontage is currently improved to County standards and the applicant shows a dedication of additional right-of-way to provide the minimum 49 foot half-street cross-section. Street illumination analysis was not provided to Washington County. The proposed right of way dedication on Murray meets the minimum required.

One new driveway approach is proposed on Murray Boulevard, which is classified as an Arterial. Per comments received from Washington County staff dated August 13, 2013, Washington County Code limits direct driveway access to arterials; therefore, a Design Exception for the location of the driveway is required by Washington County.

The comprehensive plan does not show any additional street, bike, or pedestrian connections. Washington County Code limits direct driveway access to arterials, as a condition of approval, the applicant shall obtain a Design Exception approval to the Access Spacing Standards from the Washington County Engineering Division. The Murray Boulevard frontage is currently improved, as a condition of approval, any modification or reconstruction shall be constructed to current County standards. Additionally a non-access reservation along the SW Murray Boulevard frontage shall be recorded. As no street illumination analysis was provided, as a condition of approval, an illumination



analysis shall be submitted to Washington County and a public street light must be installed at the access to SW Murray Boulevard if adequate illumination does not currently exist.

There are existing overhead power lines along the east side of SW Murray Boulevard. New utility lines that connect to the proposed building must be placed underground. To meet the requirements of Section 60.65, staff recommends a standard condition of approval requiring that utility lines are placed underground.

**FINDING: Therefore, the Committee finds that by meeting the conditions of approval, the proposal meets the criterion.**

- E. Adequate means are provided or can be provided to ensure continued periodic maintenance and necessary normal replacement of the following private common facilities and areas, as applicable: drainage ditches, roads and other improved rights-of-way, structures, recreation facilities, landscaping, fill and excavation areas, screening and fencing, ground cover, garbage and recycling storage areas and other facilities not subject to maintenance by the City or other public agency.***

The proposal includes a number of features that will require continued maintenance, including but not limited to, paving, trash enclosures, and landscaping. The property owner will be responsible for maintaining the proposed facilities and associated improvements. According to the applicant, the building and outdoor space will be maintained periodically to provide a clean and safe environment. The backyard will be maintained by a landscape crew and served by an automatic sprinkler system. Staff concurs that the property can be maintained by the property owner in accordance with the requirements of the City of Beaverton.

**FINDING: Therefore, the Committee finds that the proposal meets the criterion.**

- F. There are safe and efficient vehicular and pedestrian circulation patterns within the boundaries of the development.; and***

- G. The development's on-site vehicular and pedestrian circulation systems connect to the surrounding circulation systems in a safe, efficient, and direct manner.***

The proposed driveway and turnaround allows for passenger, emergency, and delivery vehicles to enter, circulate, and exit the site without impediment. The proposal shows a pedestrian path that is separated from the parking area, which extends from the Murray Boulevard frontage to the primary entrance.

Because the driveway and turnarounds provide access for all vehicle types and because the pedestrian path is separated from the vehicular traffic on-site and extends directly from the right of way to the building, the proposed onsite pedestrian and vehicle circulation is found to be safe and efficient.

In review of the plan, staff finds the proposal will have safe and efficient vehicular and pedestrian circulation patterns within the boundaries of the development in conformance with Development Code Sec 60.55.25, subject to the conditions of approval.

**FINDING: Therefore, the Committee finds that by meeting the conditions of approval, the proposal meets both criteria F and G.**

***H. Structures and public facilities serving the development site are designed in accordance with adopted City codes and standards and provide adequate fire protection, including, but not limited to, fire flow.***

Preliminary comments and conditions of approval have been received from TVF&R and are included herein. Curb painting and no parking signs will be required to keep the fire access area clear for fire apparatus. Additional conditions of approval provided by TVF&R have been included herein.

The City of Beaverton's Building Division has provided conditions of approval in response to the proposed development plan. The proposal will need to show compliance to the City's Building Code Standards prior to issuance of site development and building permits, which includes compliance with TVF&R standards.

**FINDING: Therefore, the Committee finds that by meeting the conditions of approval, the proposal meets the criterion.**

***I. Structures and public facilities serving the development site are designed in accordance with adopted City codes and standards and provide adequate protection from hazardous conditions due to inadequate, substandard or ill-designed development.***

By meeting the City of Beaverton's Engineering Design Manual design standards for street lights, the Committee finds that the street illumination system will provide adequate protection from crime and accident. Matters of on-site lighting will be discussed further within the Design Review staff report. In response to Criterion I, the applicant states that the proposed building will be equipped with outdoor light fixtures and two light poles in the parking area to provide security.

The Committee finds that review of the construction documents at the building and site development permit stages will ensure protection from hazardous conditions due to inadequate, substandard or ill-designed development.

**FINDING: Therefore, the Committee finds that by meeting the conditions of approval, the proposal meets the criterion.**

***J. Grading and contouring of the development site is designed to accommodate the proposed use and to mitigate adverse effect(s) on neighboring properties, public right-of-way, surface drainage, water storage facilities, and the public storm drainage system.***

According to the revised site plan submitted by the applicant, the property will provide storm water detention along the property line next to adjacent properties. The stormwater planters will require grading along the property lines to accommodate the footers of the planters. The revised site plan shows that the planters can be fully accommodated on the site. The subject site is relatively flat and the grading on site will be minimal to accommodate the proposed building and associated improvements.

**FINDING: Therefore, the Committee finds the proposal meets the criterion for approval.**

**K. Access and facilities for physically handicapped people are incorporated into the development site and building design, with particular attention to providing continuous, uninterrupted access routes.**

The applicant will be required to meet all applicable accessibility standards of the International Building Code, Fire Code and other standards as required by the American Disabilities Act (ADA). Conformance with the technical design standards for Code accessibility requirements are to be shown on the approved construction plans associated with Site Development and Building Permit approvals. The Committee finds that the general site layout can meet accessibility requirements. Accessibility is thoroughly evaluated through the site development and building permitting reviews.

**FINDING: Therefore, the Committee finds that by meeting the conditions of approval, the proposal meets the criterion for approval.**

**L. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code.**

The applicant submitted the applications on January 24, 2013 and deemed themselves complete on July 22, 2013. In the review of the materials during the application review, staff identified a number of items not provided for review which are identified in Section 50.25.1.B of the Development Code. Staffs identifies the following Development Code sections as applicable which have not been responded to with substantial evidence to demonstrate that the proposal meets the standards and guidelines below:

- Section 60.05.40-60.05.45 Design Guidelines
- Section 60.55 Transportation Facilities
- Section 60.60 Trees & Vegetation

As a result of these materials not being included in the record, staff was not able to deem the proposal as complete as the applicant did not provide all items specified in Section 50.25.1 of the Development Code.

**FINDING: Therefore, the Committee finds the proposal does not meet the criterion for approval.**

**RECOMMENDATION**

The Facilities Review Committee finds that the proposal does not comply with all the technical criteria. The Committee recommends that the decision-making authority **DENY CU2013-0001 / DR2013-0008 / TP2013-0006 (Murray Highland Residential Care Facility)**. Should the Planning Commission find that the application meets the approval criteria staff has recommended conditions of approval in Attachment E.

**Code Conformance Analysis**  
**Chapter 20 Use and Site Development Requirements**  
**R2 Zoning District**

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
Development Code Section 20.05.20 (R2)			
Use- Conditional	Residential Care Facility	22-bed memory care facility	Refer to CU Findings
Development Code Section 20.05.15			
Minimum Lot Area	2,000 sq. ft.	No land division is proposed.	N/A
Minimum Lot Dimensions		No land division is proposed. The existing lot meets the minimum width.	N/A
Width	14'		
Depth	none		
Minimum Yard Setbacks			
Front	10'	10'	Yes
Side	5'	10'	
Rear	15'	15'	
Maximum Building Height	40'	28'	Yes

## Chapter 60 Special Requirements

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
Development Code Section 60.05			
Design Review Principles, Standards, and Guidelines	Requirements for new development and redevelopment.	New residential care facility, lighting, landscaping, parking, and other associated improvements will be addressed in the Design Review staff report findings.	<b>Sufficient Information was not provided for staff to support the application</b>
Development Code Section 60.15 – Land Division Standards			
Dedications	Dedications for right-of-way for public streets, sidewalks, pedestrian ways, bikeways, multi-use paths, parks, open space, and other public rights-of-way.	The applicant is required to dedicated right-of-way to provide 49 feet from the centerline of SW Murray Boulevard.	<b>Yes- with COA</b>
Development Code Section 60.25 – Off Street Loading			
Loading Facilities	One Type B loading berth is required for the proposal.	One Type B loading berth is proposed at the western end of the parking area.	<b>Yes</b>
Development Code Section 60.30 – Off-Street Parking			
Off-street motor vehicle parking	<u>Residential Care Facilities</u> 0.5 spaces per bed 22 beds = Minimum 11 spaces	11 parking spaces	<b>Yes</b>
Required Bicycle Parking	Short term: 1 space Long term: 2 spaces	Short term: 4 spaces Long term: 2 spaces	<b>Yes</b>
Development Code Section 60.55 - Transportation			
Transportation Facilities	Regulations pertaining to the construction or reconstruction of transportation facilities.	Refer to Facilities Review Committee findings herein.	<b>Yes- with COA</b>
Development Code Section 60.60			
Trees & Vegetation	Regulations pertaining to the removal and preservation of trees.	Tree preservation and removal will be addressed in the Tree Plan staff report findings.	<b>Sufficient Information was not provided for staff to support the application</b>
Development Code Section 60.65			
Utility Undergrounding	All existing overhead utilities and any new utility service lines within the project and along any existing frontage, except high voltage lines (>57kV) must be placed underground.	To ensure the proposal meets requirements of this section, staff recommends a condition requiring undergrounding completion prior to occupancy.	<b>Yes- with COA</b>

**CU2013-0001  
ANALYSIS AND FINDINGS FOR  
CONDITIONAL USE APPROVAL**

**Section 40.15.15.3.C New Conditional Use Approval Criteria:**

*In order to approve a New Conditional Use application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:*

**1. *The proposal satisfies the threshold requirements for a Conditional Use application.***

The applicant proposes a new Residential Care Facility in the R2 zoning district, which requires Conditional Use approval. The site is currently vacant.

**Therefore, staff finds the proposal meets the criterion for approval.**

**2. *All City application fees related to the application under consideration by the decision making authority have been submitted.***

The applicant paid the required fee associated with a New Conditional Use application.

**Therefore, staff finds the proposal meets the criterion for approval.**

**3. *The proposal will comply with the applicable policies of the Comprehensive Plan.***

The applicant's response to Criterion No. 3 states that the proposal satisfies the threshold because it will comply with the Comprehensive Plan. Additionally the applicant states "The proposed facility will provide a natural surveillance, "eyes on the street", during the day and night by developing and occupying the site, providing ground level windows, and by the site activity in order to reduce crime and create safe lively community. The development will help with the growing need of citizens who need housing that are disabled or elderly and will add growth, interest, and community development for the Murray corridor."

Staff cites the following comprehensive plan policies and associated findings as applicable to this criterion, as identified in the Pre-Application Conference notes:

**Chapter 3 (Land Use Element)**

**3.10.1. Goal: An attractive mix of commercial and higher density residential uses along major roads throughout the City that invites pedestrian activity where appropriate.**

- a) Regulate new development in Corridors to provide a mix of commercial and residential uses with pedestrian amenities.*

The applicant, in response to policy 3.10.1.a states that the proposal will be compatible with the adjacent residential developments base on characteristics such as the site size, building scale and style, setbacks and landscaping. Additionally the applicant states that the proposal will mitigate against noise by having 24-hour staff who will supervise all activities at the facility and the facility will be closed to deliveries and visitors after 6:00 p.m.

Staff finds that the proposed use, a Residential Care Facility, is a commercial use within a generally

residential area. The Residential Care Facility use is appropriate given the sites location on a busy road, SW Murray Boulevard. The proposal includes an internal sidewalk connecting the building entrance to the SW Murray Boulevard sidewalk system providing access for pedestrians to the facility.

## **Chapter 6 (Transportation Element)**

### **6.2.3. Goal: A safe transportation system.**

- g) Maintain access management standards for streets consistent with City, County, and State requirements to reduce conflicts among vehicles, trucks, rail, bicycles, and pedestrians. Preserve the functional integrity of the road system by limiting access per City standards.*

In response to Policy 6.2.3.g of the Comprehensive Plan the applicant states that the site will have direct 2-way access to the parking area which contains 11 parking spaces. Additionally the applicant states that the small development will not have a negative impact on existing traffic. Staff, in consultation with Washington County, find that access management standards can be met though the required Washington County Facility Permit and required Access Spacing Standard Design Exception. As a condition of approval, the applicant must acquire a Design Exception to the Access Spacing Standards from the Washington County Engineer for the proposed access to Murray Boulevard, a County maintained facility. In addition the applicant must obtain a Facilities Permit for all work, including access, in Murray Boulevard.

Staff concludes that, by meeting the conditions of approval, the applicant complies with Policy 6.2.3.g of the Comprehensive Plan.

- h) Ensure that adequate access for emergency services vehicles is provided throughout the City.*

#### *Actions:*

- Work cooperatively with Tualatin Valley Fire and Rescue and other Washington County emergency service providers to designate and periodically update Primary and Secondary Emergency Response Routes. Continue to work with these agencies to establish acceptable traffic calming strategies for these routes.*
- Recognize the route designations and associated acceptable traffic calming strategies in the City's Traffic Calming Program.*

In response to Policy 6.2.3.h of the Comprehensive Plan the applicant states that the proposal will meet the criteria as it provides a hammer-head turnaround in conformance with the requirements of TVF&R. Tualatin Valley Fire & Rescue has reviewed the project and provided conditions of approval that will result in compliance with emergency service requirements. The proposal is conditioned to provide no parking signs and painted curbs. Tualatin Valley Fire and Rescue (TVF&R) has reviewed the plans and supports the proposal with conditions of approval contained herein. Staff concur that the applicant has provided adequate access for emergency services, namely TVF&R.

**Therefore, staff finds that by meeting the conditions of approval, the criterion is met.**

#### **4. The size, dimensions, configuration, and topography of the site and natural and man-made features on the site can reasonably accommodate the proposal.**

In response to Criterion No. 4, the applicant states that “the proposal satisfies the threshold because the proposed project is compatible as far as the design, size and dimensions with all the building design configuration and size within the area.” The applicant fails to describe how the buildings reasonably fit



within the site. The western portion of the northern property line contains a stormwater planter and no additional buffering between the adjacent single family residence to the north and the parking area.

The applicant's proposal includes a 12,000 square foot building which will house a 22 bed residential care facility as well as a caretaker's apartment on the second floor for the owner. The subject site is a flag lot with an approximately 71 foot wide panhandle which is proposed to accommodate parking and access and widens to 145 feet at the rear of the property where the proposed structure is located. The site plan for the facility shows the majority of the rear of the lot occupied by the structure. The applicant provides a landscape buffer consisting of Bitter Cherry trees, Oregon Ash Trees and a variety of evergreen shrubs along the southern and eastern property lines. Staff is concerned with the portion of the northern property line adjacent to a single family residence which does not have any landscape buffering. The existing single family dwelling to the north is located five feet from the property line and as currently proposed would only be separated from the parking lot by six feet of unvegetated stormwater treatment planter. The lack of vegetated buffer in the area where a single family dwelling is closest to the Residential Care Facility does not provide adequate screening to lessen the impact on the adjacent property. Should the stormwater planter be placed in a different location and a vegetative buffer be placed to separate the single family dwelling from the proposed parking lot staff may be able to find that the site can reasonably accommodate the proposal.

Staff finds that the lack of landscape buffering between the commercial residential care facility and the adjacent single family residence shows that the site cannot reasonably accommodate the proposed building and site improvements, as designed. Additionally the applicant proposes to remove a tree which is partially located on the adjacent property in order to accommodate development; no consent from the adjacent property owner to the east has been provided consenting to the removal of the tree.

Staff concludes that the design of the Residential Care Facility cannot reasonably be accommodated as proposed.

**Therefore, staff finds the proposal does not meet the criterion for approval.**

**5. *The location, size, and functional characteristics of the proposal are such that it can be made reasonably compatible with and have minimal impact on livability and appropriate use and development of properties in the surrounding area of the subject site.***

In response to Criterion No. 5, the applicant states that the proposal satisfies the threshold because it does not have an impact on livability and appropriate use of properties in the surrounding area. Additionally the project is for a residential building located in the R2 residential neighborhood approximately 800 feet from another residential care facility and apartments.

Staff notes that the proposed location is reasonable to accommodate a Residential Care Facility, a commercial use, as the project is located along a major street, SW Murray Boulevard. However in review of the proposal, and as discussed previously under Conditional Use Approval Criterion No. 4, the proposal as designed does not provide adequate screening and buffering to adjacent residential properties and the site physically cannot reasonably accommodate the development as proposed.

The lack of buffering between the proposed Residential Care Facility and the adjacent single family dwelling to the north is concerning given the commercial nature of the facility and additional factors such as a high number of likely trips from emergency medical personnel. The lack of buffering would provide the single family dwelling north of the property with no visual screening from the parking and loading areas which are located at the front of the property along SW Murray Boulevard.

As discussed above and under Criterion No. 4, staff finds that the Residential Care Facility, as proposed, is not reasonably compatible with existing and future development in the surrounding area

and would have greater impact on the livability of adjacent properties.

**Therefore, staff finds the proposal does not meet the criterion for approval.**

**6. *Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.***

The applicant submitted the application on January 24, 2013 and deemed themselves complete on July 22, 2013. The applicant failed to submit responses to some portions of the Development Code which were identified at the Pre-Application Conference as relevant to the proposed development.

Design Review Three, and Tree Plan Two applications are being processed concurrently with the subject request for Conditional Use. The Conditional Use application is dependent upon approval of the Design Review Three and Tree Plan Two applications. Should the Commission find that the application meets the approval criteria, staff recommends a condition of approval which states that approval of the Conditional Use application is subject to approval of the Design Review Three and Tree Plan Two applications.

**Therefore, staff finds the proposal does not meet the criterion for approval.**

**Recommendation**

Based on the facts and findings presented, staff recommends **DENIAL** of **CU2013-0001 (Murray Highland Residential Care Facility)**. Should the Planning Commission find that the application meets the approval criteria staff has recommended conditions of approval in Attachment E.

**DR2013-0008  
ANALYSIS AND FINDINGS FOR  
DESIGN REVIEW THREE APPROVAL**

**Planning Commission Standards for Approval:**

Section 40.20.15.3.C of the Development Code provides standards to govern the decisions of the Commission as they evaluate and render decisions on Design Review Applications. The Commission will determine whether the application as presented, meets the Design Review Three approval criteria. The Commission may choose to adopt, not adopt or modify the Committee's findings. In this portion of the report, staff evaluates the application in accordance with the criteria for Type 3 Design Review.

**Section 40.20.15.3.C Approval Criteria:** In order to approve a Design Review Three application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

***1. The proposal satisfies the threshold requirements for a Design Review Three application.***

The applicant proposes to construct a new, 12,000 square foot, Residential Care Facility and associated parking and site improvements. The applicant states that they meet the Design Review Two thresholds, however the application filed is for a Design Review Three which staff believes is the appropriate application as the applicant does not meet all of the Design Review Standards of Chapter 60. Therefore, the applicant meets threshold 8 for Design Review Three.

- 8. A project meeting the Design Review Two thresholds which does not meet an applicable design standard.*

**Therefore, staff finds that the criterion is met.**

***2. All City application fees related to the application under consideration by the decision making authority have been submitted.***

The applicant paid the required fees for a Design Review Three application.

**Therefore, staff finds that the criterion is met.**

***3. For proposals meeting Design Review Three application thresholds numbers 1 through 6, the proposal is consistent with all applicable provisions of Sections 60.05.35 through 60.05.50 (Design Guidelines).***

The applicant meets threshold #8, therefore this criterion is not applicable.

**Therefore, staff finds that the criterion is not applicable.**

***4. For additions to or modifications of existing development, the proposal is consistent with all applicable provisions of Sections 60.05.35 through 60.05.50 (Design Guidelines) or can demonstrate that the additions or modifications are moving towards compliance of specific Design Guidelines if any of the following conditions exist:***

- a. A physical obstacle such as topography or natural feature exists and prevents the full***

- implementation of the applicable guideline; or*
- b. The location of existing structural improvements prevent the full implementation of the applicable guideline; or*
  - c. The location of the existing structure to be modified is more than 300 feet from a public street.*

The project proposal is a new Residential Care Facility. Therefore, this criterion which pertains to additions or modification of existing development does not apply.

**Therefore, staff finds the criterion is not applicable.**

- 5. *For DRBCP proposals which involve the phasing of required floor area, the proposed project shall demonstrate how future development of the site, to the minimum development standards established in this Code or greater, can be realistically achieved at ultimate build out of the DRBCP.***

The proposed development does not involve phasing or a Design Review Build Out Concept Plan (DRBCP) and therefore, this criterion does not apply.

**Therefore, staff finds the criterion is not applicable.**

- 6. *For proposals meeting Design Review Three application Threshold numbers 7 or 8, where the applicant has decided to address a combination of standards and guidelines, the proposal is consistent with all applicable provisions of Sections 60.05.15 through 60.05.30 (Design Standards) except for the Design Standard(s) where the proposal is instead subject to the applicable corresponding Design Guideline(s). [ORD 4531; March 2010]***

The project proposal meets application Thresholds #8. On the application form the applicant checked the box that the application met threshold 1-6 and therefore must respond to Design Guidelines only. While the application actually meets threshold #8, it appears that the applicant has only addressed Design Guidelines. The applicant has not provided a response to all of the Design Guidelines; however, no Design Standards have been addressed where Design Guidelines were not addressed. Staff finds that the applicant has chosen to respond only to Design Guidelines and therefore this criterion is not applicable.

**Therefore, staff finds the criterion is not applicable.**

- 7. *For proposals meeting Design Review Three application Threshold numbers 7 or 8, where the applicant has decided to address the Design Guidelines only, the proposal is consistent with the applicable provisions of Sections 60.05.35 through 60.05.50 (Design Guidelines).***

The project proposal meets application Thresholds #8 and the applicant has responded only to a portion of the applicable Design Guidelines. The applicant does not respond to Sections 60.05.40 (Circulation and Parking) and 60.05.45 (Landscape, Open Space, and Natural Areas). Staff cites the code conformance analysis below in reviewing the proposals compliance with the Design Guidelines. As the analysis below shows, staff finds that the applicant did not provide sufficient information to show that all applicable Design Guidelines are met by the proposed project.

**Therefore, staff finds the proposal does not meet the criterion for approval.**

**8. *Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.***

The applicant submitted the application on January 24, 2013 and deemed themselves complete on July 22, 2013. The applicant failed to submit responses to some portions of the Development Code which were identified at the Pre-Application Conference as relevant to the proposed development.

Conditional Use and Tree Plan Two applications are being processed concurrently with the subject request for Design Review Three. The Design Review Three application is dependent upon approval of the Conditional Use and Tree Plan Two applications. Should the Commission find that the application meets the approval criteria; staff recommends a condition of approval which states that approval of the Design Review Three application is subject to approval of the Conditional Use and Tree Plan Two applications.

**Therefore, staff finds the proposal does not meet the criterion for approval.**

**Recommendation**

Based on the facts and findings presented, staff recommends **DENIAL** of **DR2013-0008 (Murray Highland Residential Care Facility)**. Should the Planning Commission find that the application meets the approval criteria staff has recommended conditions of approval in Attachment E.

## DESIGN REVIEW GUIDELINES ANALYSIS

In the following analysis, staff have only identified the Design Guidelines which are relevant to the subject development proposal. Non-relevant Guidelines have been omitted.

### **60.05.35 Building Design and Orientation Guidelines.**

*Unless otherwise noted, all guidelines apply in all zoning districts.*

#### **1. Building Elevation Design Through Articulation and Variety**

- A. *Residential buildings should be of limited length in order to avoid undifferentiated building elevations, reduce the mass of individual buildings, and create a scale of development that is pedestrian friendly and allow circulation between buildings by pedestrians. (Standard 60.05.15.1.A)*

That applicant states that as per Section 60.05.15.A a building should not be more than 200 feet in length in a residential zone. The proposed building is less than 200 feet in length and has a variety of wall offsets to create a more variable design. The corresponding design standard limits the length of residential buildings to 200 feet. It should be noted that Design Standards do not apply to this project, though showing compliance with them may be used to provide evidence of meeting the Design Guidelines. Staff concur with the applicant that the building is of limited length.

**Therefore, staff finds the Guideline is met.**

- B. *Building elevations should be varied and articulated to provide visual interest to pedestrians. Within larger projects, variations in architectural elements such as: building elevations, roof levels, architectural features, and exterior finishes should be provided. (Standard 60.05.15.1.A and B)*

The applicant states that the proposed building has a variety of offsetting walls, large windows and rounded building corners. The main entrance has a covered porch on architectural columns and diverse materials such as stucco, stone, siding, and wood trims are used. The building is set back 130 feet from the street but will be visible to pedestrians along SW Murray Boulevard. Staff concur that the proposed development provides variety and articulation.

**Therefore, staff finds the Guideline is met.**

- C. *To balance horizontal features on longer building elevations, vertical building elements, such as building entries, should be emphasized. (Standard 60.05.15.1.B)*

The applicant states that the building entry is emphasized with a covered porch resting on architectural columns with a variety of offsetting walls, large windows and glass entry doors. The proposed design is an essential element to the overall design of the building and should be retained through subsequent steps in the permitting process. Staff concur that vertical elements are adequately emphasized through use of columns, varying roof heights, and window placement.

**Therefore, staff finds the Guideline is met.**

- D. *Buildings should promote and enhance a comfortable pedestrian scale and orientation. This guideline does not apply to buildings in industrial districts where the principal use of the building is manufacturing, assembly, fabricating, processing, packing, storage, wholesale or distribution*

*activities.* (Standard 60.05.15.1.B)

The applicant states that the proposed building is located 130 feet back from SW Murray Boulevard but makes use of a balcony, front covered entry porch, large windows, belly-bands and offsetting panels to avoid undifferentiated blank facades and enhance the pedestrian scale and orientation. Staff concur that the design of the building promotes a comfortable pedestrian scale and orientation for those walking near the building.

**Therefore, staff finds the Guideline is met.**

- E. Building elevations visible from and within 200 feet of an adjacent street or major parking area should be articulated with architectural features such as windows, dormers, off-setting walls, alcoves, balconies or bays, or by other design features that reflect the building's structural system. Undifferentiated blank walls facing a street, common green, shared court, or major parking area should be avoided.* (Standards 60.05.15.1.B, C, and D)

The applicant states that the proposed building is located within 200 feet of SW Murray Boulevard and is articulated with a covered entry, large vertical windows, and a variety of roof gables. Staff concur with the applicant that the building does not provide undifferentiated blank walls facing streets or major parking areas.

**Therefore, staff finds the Guideline is met.**

## **2. Roof Forms as Unifying Elements**

- A. Roof forms should be distinctive and include variety and detail when viewed from the street. Sloped roofs should have a significant pitch and building focal points should be highlighted.* (Standards 60.05.15.2.A and B)

The applicant states that all sloped roofs have a minimum 5:12 pitch with 24 inch overhangs, which meets the corresponding design standard. In addition, the applicant utilizes a variety of roof gables, hips and valleys. Staff concur that the proposed roof forms are differentiated, have a significant pitch, and highlight building focal points including the main entry.

**Therefore, staff finds the Guideline is met.**

## **3. Primary building entrances**

- A. Excluding manufacturing, assembly, fabricating, processing, packing, storage and wholesale and distribution activities which are the principle use of a building in industrial districts, the design of buildings should incorporate features such as arcades, roofs, porches, alcoves, porticoes, awnings, and canopies to protect pedestrians from the rain and sun.* (Standard 60.05.15.3.A)

The applicant states that the proposed building has a covered main entrance which is recessed and treated with permanent architectural features. The covered area is fifteen feet wide and eight feet deep, providing sufficient weather protection. Staff has reviewed the primary building entrance design and concur with the applicant that the covered entrance will protect pedestrians from both the rain and sun. The outdoor space intended for residents of the facility is located in the central courtyard. It is not expected that residents will generally utilize the outdoor walkways and landscape areas independently.



**Therefore, staff finds the Guideline is met.**

- B. *Special attention should be given to designing a primary building entrance that is both attractive and functional. Primary entrances should incorporate changes in mass, surface, or finish to emphasize the entrance. (Standard 60.05.15.3.B)*

The applicant states that the proposed building main entrance is proportional with the rest of the building and is designed with attractive architectural columns using materials such as stucco, natural stone, and siding panels. Staff concur with the applicant that the primary building entrance is attractive and emphasized.

**Therefore, staff finds the Guideline is met.**

#### **4. Exterior Building Materials**

- A. *Exterior building materials and finishes should convey an impression of permanence and durability. Materials such as masonry, stone, wood, terra cotta, and tile are encouraged. Windows are also encouraged, where they allow views to interior activity areas or displays. (Standard 60.05.15.4.A)*

The applicant states that the proposed building is designed to have finishes like natural stone, stucco, vertical and horizontal siding and lap siding with large windows which allow views into the entry way and dining areas. Staff concur that the building materials are durable and the applicant provides an adequate number and variety of windows along the building elevations.

**Therefore, staff finds the Guideline is met.**

- B. *Excluding development in Industrial zones, where masonry is used for exterior finish, decorative patterns (other than running bond pattern) should be considered, especially at entrances, building corners and at the pedestrian level. These decorative patterns may include multi-colored masonry units, such as brick, tile, stone, or cast stone, in a layered or geometric pattern, or multi-colored ceramic tile bands used in conjunction with materials such as concrete. (Standards 60.05.15.4.B and C)*

The applicant states that the structure will have a concrete foundation with a maximum above ground exposure of one foot and all materials will be clean and smooth with a variety of colors and textures. Staff finds that the applicant uses limited amounts of brick on the base of the columns and along the bottom of the front façade. Along the bottom of the front façade the bricks are proposed to be laid vertically instead of in a running bond pattern.

**Therefore, staff finds the Guideline is met.**

- 5. Screening of Equipment.** *All roof, surface, and wall-mounted mechanical, electrical, communications, and service equipment should be screened from view from adjacent public streets by the use of parapets, walls, fences, enclosures, dense evergreen foliage, or by other suitable means. (Standards 60.05.15.5.A through C)*

The applicant states that there will be no outside visible equipment mounted on the roof. Staff finds that the applicant does not currently propose any external equipment; therefore the criterion is not applicable. Should the applicant propose roof, surface or wall mounted equipment in the future it will be

required to be screened in accordance with the standards in Chapter 60 of the Development Code.

**Therefore, staff finds the Guideline is not applicable.**

#### **60.05.40. Circulation and Parking Design Guidelines.**

*Unless otherwise noted, all guidelines apply in all zoning districts.*

#### **2. Loading area, solid waste facilities, and similar improvements.**

- A. *On-site service, storage and similar activities should be designed and located so that these facilities are screened from an abutting public street. (Standard 60.05.20.2)*

The applicant does not provide a written response to this Design Guideline. However, it is evident from the site plan and details that the applicant proposes a trash enclosure between the parking area and building which will be screened by a brick enclosure which includes a roof. The enclosure provides adequate screening from public view of the trash and recycling containers.

**Therefore, staff finds the Guideline is met.**

- B. *Except in Industrial districts, loading areas should be designed and located so that these facilities are screened from an abutting public street, or are shown to be compatible with local business operations. (Standard 60.05.20.2)*

The applicant does not provide a written response to this Design Guideline. The applicant's site plan shows a type B loading berth located at the western portion of the parking area closest to SW Murray Boulevard. There are no associated loading docks or bays which would be detrimental to the appearance of the building. Vehicles providing deliveries to the site will park in the loading space and wheel their deliveries up the sidewalk to the front entry of the building. The loading space is partially screened from SW Murray Boulevard by a row of shrubs. Given the lack of loading docks, the loading space will generally operate as an oversized parking space for delivery vehicles. Staff finds that the loading area is compatible with business operations given the residential use of the development.

**Therefore, staff finds the Guideline is met.**

#### **3. Pedestrian circulation.**

- A. *Pedestrian connections should be made between on-site buildings, parking areas, and open spaces. (Standard 60.05.20.3.A)*

The applicant does not provide a written response to this Design Guideline. However, the site plan shows a five foot wide pedestrian walkway made with pervious paving materials connecting the SW Murray Boulevard sidewalk with the front entrance to the building along the parking area. Staff finds that sufficient pedestrian connections are provided from the public right of way to the proposed building, adjacent to the parking area.

**Therefore, staff finds the Guideline is met.**

- B. *Pedestrian connections should connect on-site facilities to abutting pedestrian facilities and streets unless separated by barriers such as natural features, topographical conditions, or structures. (Standard 60.05.20.3.A)*

The applicant does not provide a written response to this Design Guideline. However, the site plan shows a five foot wide pedestrian walkway made with pervious paving materials connecting the SW Murray Boulevard sidewalk with the front entrance to the building along the parking area. Staff finds that sufficient pedestrian connections are provided from the public right of way to the proposed building, adjacent to the parking area.

**Therefore, staff finds the Guideline is met.**

- C. *Pedestrian connections should link building entrances to nearby streets and other pedestrian destinations. (Standard 60.05.20.3.B)*

The applicant does not provide a written response to this Design Guideline. However, the site plan shows a five foot wide pedestrian walkway made with pervious paving materials connecting the SW Murray Boulevard sidewalk with the front entrance to the building along the parking area. Staff finds that sufficient pedestrian connections are provided from the public right of way to the proposed building, adjacent to the parking area.

**Therefore, staff finds the Guideline is met.**

- D. *Pedestrian connections to streets through parking areas should be evenly spaced and separated from vehicles (Standard 60.05.20.3.C through E)*

The applicant does not provide a written response to this Design Guideline. However, the proposed site plan shows one pedestrian walkway adjacent to the parking area. No walkways are provided through the parking area. Staff finds that the pedestrian connection is adequate to serve the site and sufficiently separated from vehicles.

**Therefore, staff finds the Guideline is met.**

- E. *Excluding manufacturing, assembly, fabricating, processing, packing, storage and wholesale and distribution activities which are the principle use of a building in industrial districts, pedestrian connections designed for high levels of pedestrian activity should be provided along all streets. (Standard 60.05.20.3.A through H)*

The applicant does not provide a written response to this Design Guideline. The subject site has one street frontage, along SW Murray Boulevard, a pedestrian connection is provided to the public street which provides access for those walking or taking transit to the site.

**Therefore, staff finds the Guideline is met.**

- F. *Pedestrian connections should be designed for safe pedestrian movement and constructed of hard durable surfaces. (Standards 60.05.20.3.F through G)*

The applicant does not provide a written response to this Design Guideline. The applicants site plan shows a pedestrian path constructed of pervious paving.

**Therefore, staff finds the Guideline is met.**

- 4. *Street frontages and parking areas.*** *Landscape or other screening should be provided when surface parking areas are located along public streets. (Standard 60.05.20.4)*

The applicant does not provide a written response to this Design Guideline. The applicant proposes to use Snow Brush (*Ceanothus Velutinus*) for screening the loading and parking areas from public view. Snow Brush is a thick forming evergreen shrub which will provide adequate screening from SW Murray Boulevard of the parking area. Staff finds that adequate landscaping is provided along the perimeter of the parking area abutting SW Murray Boulevard.

**Therefore, staff finds the Guideline is met.**

- 5. *Parking area landscaping.*** *Landscape islands and a tree canopy should be provided to minimize the visual impact of large parking areas. (Standards 60.05.20.5.A through D)*

The applicant does not provide a written response to this Design Guideline. In review of the applicant's landscape plan, staff finds that there are no landscape islands or trees proposed in the immediate vicinity of the parking area which would provide visual relief. Staff finds from review of the landscape plan and lack of information by the applicant explaining how adequate tree canopy is provided that the proposal does not include landscaping to minimize the visual impact of the parking area.

**Therefore, staff finds the Guideline is not met.**

#### **60.05.45. *Landscape, Open Space and Natural Areas Design Guidelines.***

*Unless otherwise noted, all guidelines apply in all zoning districts.*

- 3. *Minimum landscaping for conditional uses in Residential districts and for developments in Multiple Use, Commercial, and Industrial Districts.***

- A.** *Landscaping should soften the edges of buildings and parking areas, add aesthetic interest and generally increase the attractiveness of a development and its surroundings. (Standard 60.05.25.3.A, B, and D)*

The applicant does not provide a written response to this Design Guideline. The applicant shows landscaping around the perimeter of the property with limited landscaping along the perimeter of the building. The applicant does not propose landscaping along the northern edge of the parking area where the stormwater planter is proposed. The applicant does not show any plantings in the stormwater planter area on the stormwater details. Staff finds the lack of landscaping between the existing single family dwelling to the north and the parking area will provide no visual relief for the adjacent neighbor. As the applicant has not provided any written response to this criterion explaining how aesthetic interest is generally increased by the proposed landscaping staff can only rely on the landscaping plan which shows deficiencies as described above. As such, staff finds that the proposal does not provide sufficient information to show compliance with the Design Guidelines.

**Therefore, staff finds the Guideline is not met.**

- B.** *Plazas and common areas designed for pedestrian traffic should be surfaced with a combination of landscape and decorative pavers or decorative concrete. (Standard 60.05.25.3.C)*

The applicant does not provide a written response to this Design Guideline. The applicant proposes a hardscaped interior courtyard which has pervious pavers or stone as the hardscape material

surrounded by small amounts of grass and four red-twig dogwoods. Staff concur that the common areas are designed for pedestrian traffic.

**Therefore, staff finds the Guideline is met.**

- C. *Use of native vegetation should be emphasized for compatibility with local and regional climatic conditions.* (Standard 60.05.25.3.A and B)

The applicant does not provide a written response to this Design Guideline. However, the plants listed in the landscaping plan are generally species which are native to Western Oregon.

**Therefore, staff finds the Guideline is met.**

- D. *Existing mature trees and vegetation should be retained and incorporated, when possible, into the site design of a development.* (Standard 60.05.25.3.A and B)

The applicant does not provide a written response to this Design Guideline. The applicant has proposed to remove all trees from the subject site. As such, a Tree Plan Two application is required. The applicant proposes to remove one tree which is located on the adjacent property to the east of the subject site and has not provided consent from the adjacent property owner for the tree removal. Staff finds that the applicant is not permitted to remove the tree on the adjacent property unless the adjacent property owner provides written consent. Staff has provided a condition of approval in the Tree Plan application that addresses the retention of this tree. The other nine trees proposed to be removed are to accommodate the building and associated site improvements.

**Therefore, staff finds that by meeting the condition of approval the Guideline is met.**

- E. *A diversity of tree and shrub species should be provided in required landscaped areas.* (Standard 60.05.25.3)

The applicant does not provide a written response to this Design Guideline. The landscape plan shows the use of two types of trees, Bitter Cherry and Oregon Ash and the use of four shrub species, Oregon Grape, Show Brush, Salal and Red-Twig Dogwood. Typically applications of this size propose a broader range of landscaping materials, including the use of ground cover. The applicant has not provided any information on why these species were chosen and why they provide sufficient diversity. Without sufficient evidence staff cannot make a finding that the Guideline is met.

**Therefore, staff finds the Guideline is not met.**

6. ***Retaining Walls.*** *Retaining walls over six (6) feet in height or greater than fifty (50) feet in length should be architecturally treated, incorporated into the overall landscape plan, or screened by landscape material.* (Standard 60.05.25.5)

The applicant does not provide a written response to this Design Guideline. The applicant proposes a stormwater planter that will have short walls to contain stormwater. These walls do not function as retaining walls and are not over six feet in height or fifty feet in length. Staff finds that no retaining walls are proposed; therefore the Guideline is not applicable.

**Therefore, staff finds the Guideline is not applicable.**

## **7. Fences and Walls**

*A. Fences and walls should be constructed of attractive, durable materials. (Standard 60.05.25.6)*

The applicant does not provide a written response to this Design Guideline. The existing conditions plan shows a fence near the property lines along the rear of the property. The applicant has stated in conversations with staff that there will be a fence around the property but the applicant has not provided details or a plan clearly showing where the fence will be located and the materials of which it would be constructed. The proposed site plan calls out 'existing chain link fence with vinyl slats' however it is unclear if this is to be retained, replaced, or removed. As the applicant has not provided sufficient information staff cannot make findings that fences will be constructed of attractive, durable materials.

**Therefore, staff finds the Guideline is not met.**

*B. Fences and walls constructed in front yards adjacent to public streets should provide the opportunity to view into the setback from the street unless high traffic volumes or other conflicts warrant greater security and protection. (Standard 60.05.25.6)*

The applicant does not provide a written response to this Design Guideline. Staff does not have sufficient information to assess whether fences are proposed along SW Murray Boulevard.

**Therefore, staff finds the Guideline is not met.**

**8. *Changes to existing on-site surface contours at residential property lines. The perimeters of properties should be graded in a manner to avoid conflicts with abutting residential properties such as drainage impacts, damage to tree root zones, and blocking sunlight. (Standard 60.05.25.10)***

The applicant does not provide a written response to this Design Guideline. The plan provided by the applicant shows the existing grading with contours of the site. The proposed grading plan shows only spot grading. However it appears that the only potentially significant changes in grading near the property lines would be for the placement of the storm water planters, however the finished grade of the planters is similar to the existing grade pre-development. A detailed site grading plan will be required with the Site Development Permit. As the grade change on site appears to be minor and spot grades are generally consistent with existing grades staff can reasonably find that the grading of the site is minimal and should not negatively impact adjacent properties.

**Therefore, staff finds that by meeting the conditions of approval the Guideline is met.**

**9. *Integrate water quality, quantity, or both facilities. Above-ground stormwater detention and treatment facilities should be integrated into the design of a development site and, if visible from a public street, should appear as a component of the landscape design. (Standard 60.05.25.11)***

The applicant does not provide a written response to this Design Guideline. The applicant proposes above ground stormwater facilities. The landscape plan and storm water details do not show any plantings in the stormwater planters. The proposes stormwater planters are located towards the front of the property and will be visible from SW Murray Boulevard. As the planters do not appear to have any plant matter, they will not have the appearance of being a component of the landscape design.

**Therefore, staff finds the Guideline is not met.**

**10. Natural areas.** *Natural features that are indigenous to a development site, such as streams, wetlands, and mature trees should be preserved, enhanced and integrated when reasonably possible into the development plan. (Standard 60.05.25.12)*

The applicant does not provide a written response to this Design Guideline. The applicant has proposed to remove all trees from the subject site; as such a Tree Plan Two application is required. The applicant proposes to remove one tree which is located on the adjacent property to the east of the subject site and has not provided consent from the adjacent property owner for the tree removal. Staff finds that the applicant is not permitted to remove the tree on the adjacent property unless the adjacent property owner provides written consent. Staff has provided a condition of approval in the Tree Plan application that addresses the removal of this tree. The other nine trees proposed to be removed are to accommodate the building and associated site improvements. No wetlands or streams are located on site.

**Therefore, staff finds that by meeting the condition of approval the Guideline is met.**

**11. Landscape buffering and screening**

- A. *A landscape buffer should provide landscape screening, and horizontal separation between different zoning districts and between non-residential land uses and residential land uses. The buffer should not be applicable along property lines where existing natural features such as floodplains, wetlands, riparian zones, and identified significant groves already provide a high degree of visual screening. (Standard 60.05.25.13)*

The applicant does not provide a written response to this Design Guideline. The applicant proposes trees and shrubs around the majority of the property lines in order to provide buffering. However, the applicant does not propose to provide any vegetative buffering between the existing single family dwelling to the north and the proposed parking lot area. In this area the applicant proposes to have a stormwater planter which will not provide visual relief to the adjacent property. Staff finds that sufficient buffering is not provided along the northern property line in the area of the proposed storm water planter.

**Therefore, staff finds the Guideline is not met.**

- B. *When potential impacts of a Conditional Use are determined, or when potential conflicts of use exist between adjacent zoning districts, such as industrial uses abutting residential uses, landscape screening should be dense, and the buffer width maximized. When potential conflicts of uses are not as great, such as a commercial use abutting an industrial use, less dense landscape screening and narrower buffer width is appropriate. (Standard 60.05.25.13)*

The applicant does not provide any written narrative explaining how the proposed buffering is of sufficient width and density to provide adequate screening for the proposed commercial use from the existing residential uses that surround the site. Without sufficient explanation as to how the proposal meets the Guideline staff is unable to find that the proposal meets the Guideline.

**Therefore, staff finds the Guideline is not met.**

- C. *Landscape buffering should consist of a variety of trees, shrubs, and ground covers designed to*



*screen potential conflict areas and complement the overall visual character of the development and adjacent neighborhood. (Standard 60.05.25.13)*

The applicant does not provide a written response to this Design Guideline. The applicant proposes to use two species of trees, four species of shrubs, and lawn in the buffer areas. No ground cover plants, are proposed. The applicant fails to address how the proposed vegetation is designed to screen potential conflict areas or compliments the visual character of the development. The applicant proposes not to provide any vegetative buffer adjacent to the existing single family dwelling to the north of the property to provide visual relief from the proposed parking area. Without sufficient explanation as to how the proposal meets the Guideline staff is unable to find that the proposal meets the Guideline.

**Therefore, staff finds the Guideline is not met.**

- D. *When changes to buffer widths and buffer standards are proposed, the applicant should describe the physical site constraints or unique building or site characteristics that merit width reduction. (Standard 60.05.25.13.E)*

The applicant does not provide a written response to this Design Guideline. The applicant does not propose to meet the full buffering width requirements for a B3 buffer and there is no explanation as to why a width reduction is merited. Without sufficient explanation as to how the proposal meets the Guideline, staff is unable to find that the proposal meets the Guideline.

**Therefore, staff finds the Guideline is not met.**

#### **60.05.50. Lighting Design Guidelines.**

*Unless otherwise noted, all guidelines apply in all zoning districts. (Standard 60.05.30.1 and 2)*

1. *Lighting should be utilized to maximize safety within a development through strategic placement of pole-mounted, non-pole mounted and bollard luminaries.*

The applicant states that the proposed building and parking areas will be provided with outdoor lighting fixtures such as pole and wall mounted light fixtures to provide maximum safety for the pedestrians and clients. Staff notes that generally the site is well lit. However from the illumination plan it appears that no lighting is provided at the front of the building near the doorway. Staff recommends a condition of approval that lights be required at the front door in order to illuminate the entrance and provide safety for those accessing the building after dark. Staff finds that by providing additional lighting at the building entrance, as conditioned, the proposal will meet the Guideline.

**Therefore, staff finds that by meeting the conditions of approval the Guideline is met.**

2. *Pedestrian scale lighting should be an integral part of the design concept except for industrial projects. Poles and fixtures for pole-mounted lighting should be of a consistent type throughout the project. The design of wall-mounted lighting should be appropriate to the architectural design features of the building.*

The applicant states that the pedestrian scale lighting will comply with the Technical lighting standards and will not exceed a maximum height of 15 feet for pedestrian paths and 20 feet for vehicular circulation areas. Staff has reviewed the lighting details provided and finds that the details provided to not match those listed on the lighting plan. Staff finds that the applicant can reasonably comply with this Guideline and recommends a condition of approval that the applicant provide lighting details for the lights listed on the lighting plan and show that the proposed lights will not exceed 15 feet in height in

pedestrian areas and 20 feet in parking areas. Staff finds that compliance with the proposed condition of approval is sufficient to show compliance with the Guideline.

**Therefore, staff finds that by meeting the conditions of approval the Guideline is met.**

3. *Lighting should minimize direct and indirect glare impacts to abutting and adjacent properties and streets by incorporating lens-shields, shades or other measures to screen the view of light sources from residences and streets.*

The applicant states that the proposed lighting fixtures will not affect the neighboring properties and that spill over at the property line will not exceed 0.50 foot-candles. Staff finds that the proposed lighting plan reflects compliance with the City's Technical Lighting Standards.

**Therefore, staff finds the Guideline is met.**

4. *On-site lighting should comply with the City's Technical Lighting Standards.*

The applicant states that the lighting meets the City's Technical Lighting Standards. The photometric study included in the applicant's materials show that the proposal does not exceed 0.5 foot-candles at any property line. Maximum height requirements for luminaires are met.

**Therefore, staff finds the Guideline is met.**

**TP2013-0006  
ANALYSIS AND FINDINGS FOR  
TREE PLAN TWO APPROVAL**

**Section 40.90.15.2.C Approval Criteria**

*In order to approve a Tree Plan Two application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:*

**1. *The proposal satisfies the threshold requirements for a Tree Plan Two application.***

- 1. *Removal of five (5) or more Community Trees, or more than 10% of the number of Community Trees on the site, whichever is greater, within a one (1) calendar year period, except as allowed in Section 40.90.10.1.***

The proposal satisfies the requirements under Threshold #1, as the submitted information proposes to remove 100% of the Community Trees on site, which is greater than five trees or 10% of the Community Trees on site.

**Therefore, staff finds that the proposal meets the criterion for approval.**

**2. *All City application fees related to the application under consideration by the decision making authority have been submitted.***

The applicant has paid the required application fee for a Tree Plan Two application.

**Therefore, staff finds that the proposal meets the criterion for approval.**

**3. *If applicable, removal of any tree is necessary to observe good forestry practices according to recognized American National Standards Institute (ANSI) A300-1995 standards and International Society of Arborists (ISA) standards on the subject.***

The applicant states that the proposed tree removal complies because there is no forest present at this location. Staff finds that the applicant does not propose the removal of any tree in order to observe ANSI or ISA standards.

**Therefore, staff finds that the criterion for approval does not apply.**

**4. *If applicable, removal of any tree is necessary to accommodate physical development where no reasonable alternative exists.***

The trees are proposed for removal in order to accommodate the proposed development as a residential care facility. The applicant states that tree removal is necessary because of the location of the trees within the footprint of the new building, parking lot, and associated utilities.

The applicant proposes to remove one tree near the northern property line which is not located on property owned or controlled by the applicant and the applicant has not provided consent of the adjacent property owner for removal of the tree. As such, staff cannot permit the applicant to remove a tree which is not located solely on their property. Staff recommends a condition of approval that the applicant may not remove, without written consent, the 14 inch deciduous tree along the northern property line as part of this development. The subject tree must be retained and protected during

development in accordance with the standards of Chapter 60.60 of the Development Code.

Staff finds that no reasonable alternative exists which would better preserve the existing trees.

**Therefore, staff finds that by satisfying the conditions of approval, the proposal will meet the criterion for approval.**

- 5. *If applicable, removal of any tree is necessary because it has become a nuisance by virtue of damage to property or improvements, either public or private, on the subject site or adjacent sites.***

Property damage or other nuisances are not the reason the trees are proposed for removal. Trees are being removed to facilitate the development of a Residential Care Facility.

**Therefore, staff finds that the criterion for approval does not apply.**

- 6. *If applicable, removal is necessary to accomplish public purposes, such as installation of public utilities, street widening, and similar needs, where no reasonable alternative exists without significantly increasing public costs or reducing safety.***

The applicant does not propose to remove any trees which would accomplish a public purpose. Trees are being removed to facilitate the development of a Residential Care Facility.

**Therefore, staff finds that the criterion for approval does not apply.**

- 7. *If applicable, removal of any tree is necessary to enhance the health of the tree, grove, SNRA, or adjacent trees to eliminate conflicts with structures or vehicles.***

The health of the trees is not the principle reason for their removal. However, the existing trees on site would conflict with the proposed structure and vehicular ingress/egress.

**Therefore, staff finds that the proposal meets the criterion for approval.**

- 8. *If applicable, removal of a tree(s) within a SNRA or Significant Grove will not result in a reversal of the original determination that the SNRA or Significant Grove is significant based on criteria used in making the original significance determination***

The project area is not located within a SNRA or Significant Grove.

**Therefore, staff finds that the criterion for approval does not apply.**

- 9. *If applicable, removal of a tree(s) within a SNRA or Significant Grove will not result in the remaining trees posing a safety hazard due to the effects of windthrow.***

The project area is not located within a SNRA or Significant Grove.

**Therefore, staff finds that the criterion for approval does not apply.**

**10. *The proposal is consistent with all applicable provisions of Section 60.60 Trees and Vegetation and Section 60.67 Significant Natural Resources.***

Staff cites the Code Conformance Analysis chart at the end of the Tree Plan Staff Report, which evaluates the project as it relates to applicable code requirements of Sections 60.60 through 60.67, as applicable to the aforementioned criterion. The applicant failed to provide responses to Section 60.60. As such, the applicant failed to prove that the application is in compliance with the provisions of Section 60.60. Section 60.67 is not applicable to the subject proposal as there are no Significant Natural Resources on site.

**Therefore, staff finds that the proposal does not meet the criterion for approval.**

**11. *Grading and contouring of the site is designed to accommodate the proposed use and to mitigate adverse effect(s) on neighboring properties, public right-of-way, surface drainage, water storage facilities, and the public storm drainage system.***

The subject site is relatively flat and the grading on site will be minimal to accommodate the proposed building and associated improvements. Prior to Site Development permit issuance, the applicant will be required to demonstrate that grading meets City requirements.

**Therefore, staff finds that by satisfying the conditions of approval, the proposal will meet the criterion for approval.**

**12. *The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code.***

The applicant submitted the applications on January 24, 2013 and deemed themselves complete on July 22, 2013. In the review of the materials during the application review, staff identified a number of items not provided for review which are identified in Section 50.25.1.B of the Development Code. Staff identifies the following Development Code sections as applicable which have not been responded to with substantial evidence to demonstrate that the proposal meets the standards and guidelines below:

- Section 60.05.40-60.05.45 Design Guidelines
- Section 60.55 Transportation Facilities
- Section 60.60 Trees & Vegetation

As a result of these materials not being included in the record, staff was not able to deem the proposal as complete as the applicant did not provide all items specified in Section 50.25.1 of the Development Code.

**Therefore, staff finds that the proposal does not meet the criterion for approval.**

**13. *Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.***

The applicant submitted the application on January 24, 2013 and deemed themselves complete on July 22, 2013. The applicant failed to submit responses to some portions of the Development Code which were identified at the Pre-Application Conference as relevant to the proposed development.

Conditional Use and Design Review Three applications are being processed concurrently with the subject request for a Tree Plan Two. The Tree Plan Two application is dependent upon approval of the Design Review Three application. Staff recommends a condition of approval which states that approval of the Tree Plan application is subject to approval of the Design Review Three application.

**Therefore, staff finds the proposal does not meet the criterion for approval.**

### **RECOMMENDATION**

Based on the facts and findings presented, staff recommends **DENIAL** of **TP2013-0006 (Murray Highland Residential Care Facility)**. Should the Planning Commission find that the application meets the approval criteria staff has recommended conditions of approval in Attachment E.

### **Code Conformance Analysis Chapter 60.60 Trees and Vegetation**

<b>DESIGN STANDARD</b>	<b>PROJECT PROPOSAL</b>	<b>MEETS STANDARD</b>
<b>60.60.15 Pruning, Removal, and Preservation Standards</b>		
60.60.15.1.A 60.60.15.1.B	The applicant did not provide a response to this standard.	<b>NO</b>
60.60.15.2.A 60.60.15.2.B	The applicant did not provide a response to this standard.	<b>NO</b>
60.60.15.2.C.1	The applicant did not provide a response to this standard.	<b>NO</b>
60.60.15.2.C.2 60.60.15.2.C.3 60.60.15.2.C.4 60.60.15.2.C.5	The applicant did not provide a response to this standard.	<b>NO</b>
60.60.15.2.C.6	The applicant did not provide a response to this standard.	<b>NO</b>
60.60.15.2.C.7	The applicant did not provide a response to this standard.	<b>NO</b>
60.60.15.2.C.8	The applicant did not provide a response to this standard.	<b>NO</b>
<b>60.60.20 Tree Protection Standards During Development</b>		
60.60.20.1	The applicant did not provide a response to this standard.	<b>NO</b>
<b>60.60.25 Mitigation Requirements</b>		
60.60.25	The applicant did not provide a response to this standard.	<b>NO</b>





## **CONDITIONS OF APPROVAL**

### **Murray Highland Residential Care Facility (CU2013-0001):**

1. Approval of CU2013-0001 is subject to approval of DR2013-0008 and TP2013-0006. (Planning/JF)
2. The Conditional Use permit shall run with the land and shall continue to be valid upon a change of ownership of the site unless otherwise specified in conditions attached to the permit. (Planning/JF)

### **Murray Highland Residential Care Facility (DR2013-0008):**

1. Approval of DR2013-0008 is subject to approval of Cu2013-0001 and TP2013-0006. (Planning/JF)

#### **A. Prior to issuance of the site development permit, the applicant shall:**

2. Ensure that all associated applications, including Design Review Three, Conditional Use, and Tree Plan and have been approved and are consistent with the submitted plans. (Planning Division/JF)
2. Submit the required plans, application form, fee, and other items needed for a complete site development permit application per the applicable review checklist. (Site Development Div./JJD)
3. Contract with a professional engineer to design and monitor the construction for any work governed by Beaverton Municipal Code 9.05.020, as set forth in Ordinance 4417 (City Engineering Design Manual and Standard Drawings), Beaverton Development Code (Ordinance 2050, 4010 +rev.), the Clean Water Services District Design and Construction Standards (June 2007, Resolution and Ordinance 2007-020), and the City Standard Agreement to Construct and Retain Design Professionals in Oregon. (Site Development Div./JJD)
4. Submit a completed and executed City Standard Agreement to Construct Improvements and Retain Design Professional(s) Registered in Oregon. After the site development permit is issued, the City Engineer and the Planning Director must approve all revisions as set out in Ordinances 2050, 4010+rev., and 4417; however, any required land use action shall be final prior to City staff approval of the engineering plan revision and work commencing as revised. (Site Development Div./JJD)
5. Have the ownership of the subject property guarantee all public improvements, site grading, storm water management (quality and quantity) facilities, and fire/emergency access driveway paving by submittal of a City-approved security. The security approval by the City consists of a review by the City Attorney for form and the City Engineer for amount, equivalent to 100 percent or more of estimated construction costs. (Site Development Div./JJD)
6. Submit any required off-site easements, executed and ready for recording, to the City after approval by the City Engineer for legal description of the area encumbered and City Attorney as to form. (Site Development Div./JJD)

7. Submit to the City a copy of issued permits or other approvals needed from Washington County for work within, and/or construction access to the Murray Boulevard right of way. (Site Development Div./JJD)
8. Have obtained the Tualatin Valley Fire and Rescue District Fire Marshal's approval of the site development plans as part of the City's plan review process. (Site Development Div./JJD)
9. Submit a detailed water demand analysis (fire flow calculations) in accordance with the requirements of the Fire Code as adopted by the Tualatin Valley Fire and Rescue. (For more information, see [http://www.tvfr.com/resources/new\\_construction.aspx](http://www.tvfr.com/resources/new_construction.aspx) ) If determined to be needed by the City Building Official, this analysis shall be supplemented by an actual flow test and evaluation by a professional engineer meeting the standards set by the City Engineer. The analysis shall provide the available water volume (GPM) at 20 psi residual pressure from the fire hydrant nearest to the proposed project. (Site Development Div./JJD)
10. Have obtained approvals needed from the Clean Water Services District for storm system connections as a part of the City's plan review process. (Site Development Div./JJD)
11. Provide a detailed drainage analysis of the subject site and prepare a report prepared by a professional engineer meeting the standards set by the City Engineer. The analysis shall identify all contributing drainage areas and plumbing systems on and adjacent to the site with the site development permit application. The analysis shall also delineate all areas on the site that are inundated during a 100-year storm event in addition to any mapped FEMA flood plains and flood ways. (Site Development Div./JJD)
12. Request and obtain the City Building Official's review approval of the proposed private fire service mains (fire line), vault, backflow prevention and Fire Department Connection (FDC). (Site Development Div./JJD)
13. Provide plans for street lights (Illumination levels to be evaluated per City Design Manual, Option C requirements unless otherwise approved by the City Public Works Director) and for the placement of underground utility lines along street frontages, within the site, and for services to the proposed new development. If existing utility poles along existing street frontages must be moved to accommodate the proposed improvements, the affected lines must be either undergrounded or a fee in lieu of undergrounding paid per Section 60.65 of the Development Code. (Site Development Div./JJD)
19. Submit plans showing:
  - a. FIRE APPARATUS ACCESS ROADS WITH FIRE HYDRANTS: Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet. (OFC D103.1) (TVF&R/JF)
  - b. NO PARKING SIGNS: Where fire apparatus roadways are not of sufficient width to accommodate parked vehicles and 20 feet of unobstructed driving surface, "No Parking" signs shall be installed on one or both sides of the roadway and in turnarounds as needed. Roads 26 feet wide or less shall be posted on both sides as a fire lane. Roads more than 26 feet wide to 32 feet wide shall be posted on one side as a fire lane. Signs shall read "NO PARKING - FIRE LANE" and shall be installed with a clear space above grade level of 7 feet. Signs shall be 12 inches wide by 18 inches high and shall have red letters on a white reflective background. (OFC D103.6) No parking signs will be required. (TVF&R/JF)
  - c. SURFACE AND LOAD CAPACITIES: Fire apparatus access roads shall be of an all-weather surface that is easily distinguishable from the surrounding area and is capable of

supporting not less than 12,500 pounds point load (wheel load) and 60,000 pounds live load (gross vehicle weight). You may need to provide documentation from a registered engineer that the design will be capable of supporting such loading. (OFC D102.1) (TVF&R/JF)

- d. **PAINTED CURBS:** Where required, fire apparatus access roadway curbs shall be painted red and marked "NO PARKING FIRE LANE" at approved intervals. Lettering shall have a stroke of not less than one inch wide by six inches high. Lettering shall be white on red background. (OFC 503.3) Painted curbing will be required. (TVF&R/JF)
  - e. **COMMERCIAL BUILDINGS - REQUIRED FIRE FLOW:** The required fire flow for the building shall not exceed 3,000 gallons per minute (GPM) or the available GPM in the water delivery system at 20 psi, whichever is less as calculated using IFC, Appendix B. A worksheet for calculating the required fire flow is available from the Fire Marshal's Office. (OFC B105.3) Please provide a current fire flow test of the nearest fire hydrant demonstrating available flow at 20 psi residual pressure as well as fire flow calculation worksheets. Please forward copies to both TVF&R as well as City of Beaverton Building Services. Fire flow calculation worksheets as well as instructions are available on our web site at [www.tvfr.com](http://www.tvfr.com). (TVF&R/JF)
  - f. **FIRE HYDRANT NUMBER AND DISTRIBUTION:** The minimum number and distribution of fire hydrants available to a building shall not be less than that listed in Appendix C, Table C 105.1. Fire flow calculations will dictate the number of required fire hydrants. (TVF&R/JF)
  - g. **KNOX BOX:** A Knox Box for building access is required for this building. Please contact the Fire Marshal's Office for an order form and instructions regarding installation and placement. (OFC 506.1) (TVF&R/JF)
  - h. **ANGLE OF APPROACH AND DEPARTURE:** The angles of approach and departure for fire apparatus roads shall not exceed 8 Degrees. (OFC 503.2.8, NFPA 1901) (TVF&R/JF)
20. Obtain approval for a Design Exception to the Access Spacing Standards from Washington County Engineering Division for the proposed access on SW Murray Boulevard. Note: The Design Exception request must be prepared and stamped by a registered traffic engineer and approved by the County Engineer prior to issuance of any permit to construct. (Wash. Co/NV)
21. Record with Washington County Survey Division:
- a. Provision of a non-access reservation along SW Murray Boulevard frontage, except at the proposed access point (subject to approval of the Design Exception by the County Engineer).
  - b. Additional right-of-way that may be required to meet conditions identified in the County Traffic Engineer's review for the required Design Exception for the proposed access to SW Murray Boulevard. Staff notes that the applicant has not submitted the required Design Exception. (Wash. Co/NV)
22. Submit to Washington County Public Assurance:
- a. the completed Design Option form
  - b. \$3000Administration Deposit

- c. A copy of the City's land use approval with conditions, signed and dated.
- d. Preliminary certification for adequate sight distance for access to SW Murray Boulevard, in accordance with County Code, prepared and stamped by a registered professional engineer, as well as:
  - i. A detailed list of improvements necessary to produce adequate intersection sight distance (refer to the site distance certification submittal requirements). Note: The property owner shall continuously maintain adequate sight distance. This may require the property owner to periodically remove obstructing vegetation from the road right-of-way (and on site).
- e. Three (3) sets of complete engineering plans for construction of the following public improvements:
  - i. Access to SW Murray Boulevard to County standards( subject to approval of the Design Exception by the County Engineer).
  - ii. Improvements within the right-of-way as necessary to provide adequate intersection sight distance at SW Murray Boulevard access point.
  - iii. Closure of all existing driveways to SW Murray Boulevard to County standards.
  - iv. Adequate illumination at the access to SW Murray Boulevard. Note: Adequate illumination shall consist of at least one 200-watt high-pressure sodium cobra head luminaire mounted at a minimum mounting height of 20 feet, on existing utility poles if available. The fixture shall have a medium full-cutoff Type III distribution. The pole shall be within the area defined by the radius returns of the intersection. The fixture shall be oriented at 90 degrees to centerline of the arterial road. If no existing utility poles are available within the intersection area as defined by the radius returns, the developer shall meet the requirements of the Department of Land Use and Transportation Roadway Illumination Standards, latest revision. Illumination within the prescribed intersection area shall be a minimum of 1.5 times the required illumination level of the roadway classification at the access. The County Traffic Engineer may require illumination in addition to the above-stated minimums.
  - v. All work proposed within SW Murray Boulevard right-of-way, including utility connections. (Wash. Co/NV)

23. Provide a site plan showing the pedestrian walkway from the building along the parking area connecting to the public sidewalk along SW Murray Road. (Planning/JF)

**B. Prior to building permit issuance, the applicant shall:**

- 24. Submit a complete site development permit application and obtain the issuance of site development permit from the Site Development Division. (Site Development Div./JJD)
- 25. Make provisions for installation of all mandated erosion control measures to achieve City inspector approval at least 24 hours prior to call for foundation footing form inspection from the Building Division. (Site Development Div./JJD)

26. Pay a storm water system development charge (overall system conveyance) for each ESU (equivalent surface unit; NOTE: The development is eligible for system development charge credits at the rate of one ESU per each single family home demolished, as administered by the City Building Official and City Utilities Engineer). (Site Development Div./JJD)
27. Provide a revised lighting plan showing lighting at the primary entrance to the building. (Planning/JF)
28. Provide lighting details for the lights listed on the lighting plan, specifying the proposed height of all proposed luminaire in compliance with the Technical Lighting Standards of the Development Code. (Planning/JF)
29. Applicant must retain the materials and design, as proposed by this application, for the front elevation of the structure. (Planning/JF)

**C. Prior to final occupancy of any building permit, the applicant shall:**

30. Have substantially completed the site development improvements as determined by the City Engineer. (Site Development Div./JJD)
31. Have the landscaping completely installed or provide for erosion control measures around any disturbed or exposed areas per Clean Water Services standards. (Site Development Div./JJD)
32. Have placed underground all affected, applicable existing overhead utilities and any new utility service lines within the project and along any existing street frontage as determined at permit issuance. (Site Development Div./JJD)
33. Install or replace, to City specifications, all sidewalks which are missing, damaged, deteriorated, or removed by construction. (Site Development Div./JJD)
34. Have obtained a Source Control Sewage Permit from the Clean Water Services District (CWS) and submitted a copy to the City Building Official if an Industrial Sewage permit is required, as determined by CWS. (Site Development Div./JJD)
35. The proposed project shall comply with the State of Oregon Building Code in effect as of date of application for the building permit. This currently includes the following: The 2009 edition of the International Building Code as published by the International Code Conference and amended by the State of Oregon (OSSC); The 2009 edition of the International Residential Code as published by the International Code Conference and amended by the State of Oregon (ORSC); 2009 International Mechanical Code as published by the International Code Council and amended by the State of Oregon (OMSC); the 2009 edition of the Uniform Plumbing Code as published by the International Association of Plumbing and Mechanical Officials and amended by the State of Oregon (OPSC); the 2011 edition of the National Electrical Code as published by the National Fire Protection Association and amended by the State of Oregon; and the 2009 International Fire Code as published by the International Code Council and amended by Tualatin Valley Fire and Rescue (IFC). (Building/BR)
36. Applications for plan review must include the information outlined in the Tri-County Commercial Application Checklist. This form is available at the Building Division counter or may be printed from the Forms/Fee Center at [www.beavertonoregon.gov](http://www.beavertonoregon.gov). Incomplete applications will not be accepted. (City policy) (Building/BR)

37. The City offers phased permits, for foundation/slabs, structural frame, shell and interior build-out (TI). An applicant desiring to phase any portion of the project must complete the Tri-County Commercial Phased Project Matrix or each phased portion. This form is available at the Building Division counter or may be printed from the Forms/Fee Center at [www.beavertonoregon.gov](http://www.beavertonoregon.gov) Note: Except private site utilities (potable water, sanitary and storm sewer lines), Excavation and Shoring, Site Utilities and Grading are not permits issued by the Building Division and therefore are not part of the City's phased permit process. (Building/BR)
38. Plan submittals may be deferred as outlined in the Tri-County Deferred Submittals list. Each deferred submittal shall be identified on the building plans. This list is available at the Building Division counter or may be printed from the Forms/Fee Center at [www.beavertonoregon.gov](http://www.beavertonoregon.gov). Permit applicants are responsible for ensuring that deferred plan review items listed on the plans are submitted for approval well in advance of the need to begin work on that portion of the project (anticipate a minimum of three weeks plan review turnaround time for tenant improvement and six weeks plan review turnaround for new construction projects). No work on any of the deferred items shall begin prior to the plans being submitted, reviewed and approved. (Building/BR)
39. Unless they are identified as a deferred submittal on the plans, building permits will not be issued until all related plans and permits have been reviewed, approved, and issued (i.e., mechanical, plumbing, electrical, fire sprinkler systems, fire alarm systems, etc. (City policy) (Building/BR)
40. Projects involving new buildings and additions are subject to System Development fees. A list of the applicable fees is available at the Building Division counter or may be printed from the Forms/Fee Center at [www.beavertonoregon.gov](http://www.beavertonoregon.gov). (Building/BR)
41. The building code plans review can run concurrent with the Design Review (DR) and site development review. (Building/BR)
42. Addition of plumbing fixtures may require payment of sanitary sewer system development fees (credit is given to plumbing fixtures that are removed). (Building/BR)
43. Applications/plans for building permit/plan review can be submitted at any time during the entitlement process; however, permits cannot be issued until applicable approvals (Planning, Site Development, etc...) have been received. (Building/BR)
44. A separate plumbing permit is required for installation of private on-site utilities (i.e., sanitary sewer, storm sewer, water service, catch basins, etc. If the applicant desires to install those types of private utilities during the same period as the "Site Development" work, a separate plumbing application must be submitted to the Building Services Division for approval. (Building/BR)
45. Any businesses related to food preparation are required to have a grease trap/interceptor. The type and size are determined by the State Plumbing Code. Please contact the Fats/Oil/Grease (FOG) specialist for maintenance requirements (503) 526-3701. (Building/BR)
46. The proposed building(s) shall be accessible to persons with disabilities. (Chapter 11, OSSC) (Building/BR)
47. The applicant should be aware that food service operations are required to be reviewed and approved by the Washington County Health Department for applicable health regulations. For

more information, contact the Washington County Health Department at (503) 846-8722.  
(Building/BR)

48. An accessible route shall be provided to persons with disabilities throughout the site. (Section 1103, OSSC) (Building/BR)
49. An accessible route shall be provided to persons with disabilities from the building to a public way. (Section 1103, OSSC) (Building/BR)
50. Obtain a Finaled Washington County Facility Permit, contingent upon the completion of road improvements and submittal of final certification of adequate sight distance. (Wash.Co./NV)
51. Ensure all site improvements, including grading and landscaping are completed in accordance with plans marked "Exhibit A", except as modified by the decision making authority in conditions of approval. (On file at City Hall). No occupancy permit (including temporary occupancy) will be issued until all improvements are complete. (Planning Div./JF)
52. Ensure construction of all buildings, walls, fences and other structures are completed in accordance with the elevations and plans marked "Exhibit A", except as modified by the decision making authority in conditions of approval. (On file at City Hall). No occupancy permit (including temporary occupancy) will be issued until all improvements are complete. (Planning Div./JF)
53. Ensure all landscaping approved by the decision making authority is installed. (Planning Div./JF)
54. Ensure all landscape areas are served by an underground landscape irrigation system. For approved xeriscape (drought-tolerant) landscape designs and for the installation of native or riparian plantings, underground irrigation is not required provided that temporary above-ground irrigation is provided for the establishment period. (Planning Div./JF)
55. Ensure that the planting of all approved deciduous trees, except for street trees or vegetation approved in the public right-of-way, has occurred. Deciduous trees shall have straight trunks and be fully branched, with a minimum caliper of 1-1/4 inches and a minimum height of 8 feet at the time of planting, except that dwarf and compact varieties may be may be approved at any size. Deciduous trees may be supplied bare root provided the roots are protected against damage. Each tree is to be adequately staked. (Planning Div./JF)
56. All mechanical units, roof of ground mounted, must be screened from view of public streets and adjacent properties. (Planning Div./JF)

**D. Prior to release of performance security, the applicant shall:**

57. Have completed the site development improvements as determined by the City Engineer and met all outstanding conditions of approval as determined by the City Engineer and Planning Director. Additionally, the applicant and professional(s) of record shall have met all obligations under the City Standard Agreement to Construct Improvements and Retain Design Professional Registered in Oregon, as determined by the City Engineer. (Site Development Div./JJD)
58. Submit any required on-site easements not already dedicated on the plat, executed and ready for recording, to the City after approval by the City Engineer for area encumbered and City Attorney as to form. The applicant's engineer or surveyor shall verify all pre-existing and

proposed easements are of sufficient width to meet City standards. (Site Development Div./JJD)

59. Submit an owner-executed, notarized, City/CWS standard private stormwater facilities maintenance agreement for the private storm water treatment facilities, with maintenance plan and all standard exhibits, ready for recording with Washington County Records. (Site Development Div./JJD)
60. Provide an additional performance security for 100 percent of the cost of plants, planting materials, and any maintenance labor (including irrigation) necessary to achieve establishment of the vegetation within the rain garden areas, as determined by the City Engineer. If the plants are not well established (as determined by the City Engineer and City Planning Director) within a period of two years from the date of substantial completion, a plan shall be submitted by the engineer of record or landscape architect that documents any needed remediation. The remediation plan shall be completely implemented and deemed satisfactory by the City Planning Director prior to release of the security. (Site Development Div./JJD)

**Murray Highland Residential Care Facility (TP2013-0006):**

1. Approval of TP2013-0006 is subject to approval of DR2013-0008. (Planning/JF)
2. Site Development permits must reflect the retention and protection of the 14-inch deciduous tree near the northern property line which is located on the adjacent property, in accordance with the Tree and Vegetation standards of Chapter 60 of the Development Code. (Planning/JF)